

REMARKS

The specification has been reviewed and corrections of a minor and formal clarifying nature have been made therein. These corrections are set forth in the replacement paragraphs presented herewith. The amendments are all believed supported by the original disclosure, and are not believed to involve introduction of new matter.

As to the claims, Claims 32-41 as pending at the time of the outstanding Office Action have all been cancelled, and submitted herewith are Claims 62-73 for the Examiner's reconsideration. Newly submitted Claims 62-73 are all directed generally to the same invention as previously defined, and hence reconsideration of this application and allowance thereof is respectfully requested.

More specifically, all of Claims 62-73 are directed to a scanning apparatus which, in combination, incorporates the scanning device and a cartridge-supported membrane which movably cooperates with the scanning device so as to permit carrying out of the desired test function.

In the last Office Action the Examiner objected to the claims for failure to define all of the requisite structure, namely for failure to include the membrane as part of the claimed combination. While it is believed that the present invention and specifically the scanning device can be properly claimed without inclusion of the membrane inasmuch as the device is configured to carry out the desired function, with the membrane being merely a disposable part which is acted on by the scanning device, nevertheless the combination of the scanning device and membrane are recited in the newly submitted claims so as to further expedite continued prosecution of this application. However, Applicants do not acquiesce in the Examiner's prior requirement in this regard.

The newly submitted claims have also been written so as to address other formal objections presented in the last Office Action, and in fact are believed to render all of the prior objections moot.

Accordingly, all of Claims 62-73 are believed in accordance with the requirements of 35 U.S.C. 112.

Inasmuch as there were no art rejections imposed in the last Office Action, and inasmuch as the cited prior art is not believed to either anticipate or render obvious the invention as set forth by Claims 62-73 all of these claims are now believed allowable.

With respect to the previously cited Allen Patent No. 5 580 794, the invention disclosed in Allen '794 is of a totally different structural and functional nature, and in fact is directed principally only to a disposable electronic assay card, and hence is in no way considered relevant with respect to the totally different structure and function associated with the present invention as defined by Claims 62-73.

Submitted herewith is a further IDS wherein there is identified additional prior art documents which have been more recently noted. While they are being submitted for the Examiner's consideration, nevertheless these additional prior art documents are also not considered to either anticipate or render obvious the present invention as now claimed.

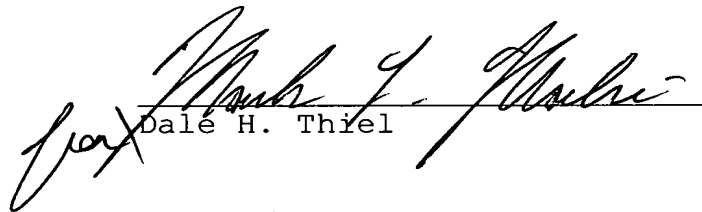
With respect to U.S. Patent 5 408 535 (Howard), the testing device disclosed therein is structurally and operationally significantly different as readily evidenced from even a brief review of the drawings since it relates to a rather large and complex scanning device electronically coupled to a PC or the like, and as such the device is only suitable for use generally in a laboratory or the like, basically as a countertop type device.

Regarding WO 98/32004, it should be noted that this document published after the effective date hereof, and hence is not believed to constitute prior art. Further, even if considered as prior art, the arrangement disclosed therein again relates to a structural and functional arrangement which is believed sufficiently different as to neither anticipate nor render obvious the invention as claimed herein.


With respect to the present invention, as for example set forth by Claim 62, this relates to a testing arrangement wherein there is provided a small and portable testing assembly, the latter being highly desirable since it can be readily moved about, such as carried in a police car or the like, thereby permitting accurate testing to be carried out at a plurality of remote sites. This portable test device in turn cooperates with a removable cartridge which bears a membrane thereon, with the cartridge and the supported membrane hence again being easily transported and readily handled, and readily positioned and/or removed from the testing device so as to greatly facilitate desired testing while at the same time providing a high degree of flexibility with respect to handling and transporting.

Accordingly, further and favorable consideration of this application, and allowance thereof, is respectfully requested, and allowance thereof is respectfully requested.

Respectfully submitted,


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Encl: Information Disclosure Statement
Postal Card

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